

INDEX

	PAGE
I. Opinions of the Courts Below	1
II. Statement of Jurisdiction	2
III. Summary of Argument	3
IV. Argument:	
1. The sole issue is one of local law and does not involve any semblance of a federal question	4
2. The Supreme Court, as a matter of sound policy is highly reluctant to forecast the ultimate decision of a state judiciary on a question of local law	5
3. The mere conflict of decisions in the respective circuits as to a question controlled by state law, is not a reason for granting certiorari	7
4. There is no conflict in decisions of the Third Circuit as alleged in the petition	9
5. The petitioner has failed to show that the decision of the Circuit Court is clearly wrong and definitely conflicts with state decisions. On the contrary, the decision is fully consonant with the state decisions and well-defined state policy	10
6. The petitioner has failed to cite a single authority or precedent in support of its prayer for certiorari	16

CITATIONS

CASES:

Aetna Life Insurance Company v. Braukman, 293 U. S. 578, 55 S. Ct. 90, 79 L. Ed. 675	12
Bradford County Telephone Company et al. v. Young, Admr., et al., 329 Pa. 433, 436, 198 Atl. 96	15
Busser et al. v. Snyder et al., 282 Pa. 440, 128 Atl. 80	16

Central Lithograph Company v. Eatmor Chocolate Company, 316 Pa. 300, 309, 175 Atl. 697	4
City of Chicago v. Fieldcrest Dairies, Inc., U. S. , 62 S. Ct. 986 L. Ed.	5, 6
Colonial Biscuit Company v. Orcutt, 264 Pa. 40, 107 Atl. 315	15
Commonwealth ex rel. v. Acker, 308 Pa. 29, 162 Atl. 159	16
Franklin-American Trust Company v. St. Louis Union Trust Company, 286 U. S. 533, 52 S. Ct. 642, 76 L. Ed. 1274	11
Gottschall v. Campbell, 234 Pa. 347, 83 Atl. 286	16
Highland Farms Dairy v. Agnew, 300 U. S. 608, 57 S. Ct. 549, 81 L. Ed. 835	4
Hoffman v. Kline et al., 300 Pa. 485, 150 Atl. 889	16
Keller v. Scranton, 200 Pa. 130, 49 Atl. 781	16
L. & N. R. R. Co. v. Garrett, 231 U. S. 298, 34 S. Ct. 48, 58 L. Ed. 229	7
Lighton et al. v. Abington Township et al., 336 Pa. 345, 9 A. (2d) 609	16
Madden v. Kentucky, 309 U. S. 83, 60 S. Ct. 406, 84 L. Ed. 590	4
Manhattan Hardward Company v. Phalen, 128 Pa. 110, 18 Atl. 428	14
Miller v. Hellam Distilling Company, 57 Pa. Superior Ct. 183	13, 14
O'Connor v. Armstrong et al., 299 Pa. 390, 149 Atl. 655	16
Porter v. Investors Snydericate, 287 U. S. 346, 53 S. Ct. 132, 77 L. Ed. 354	7
Rahway National Bank v. Thompson National Bank et al., 7 F. (2d) 419	9
Railroad Commission of Texas et al. v. Pullman Company et al., 312 U. S. 496, 61 S. Ct. 643, 85 L. Ed. 971	5
Rohrer v. Milk Control Board, 121 Pa. Superior Ct. 281, 184 Atl. 133, 322 Pa. 257, 186 Atl. 336	4
Appeal of Ross, 106 Pa. 82	14
Rowley v. Chicago and N. W. Ry. Co., 293 U. S. 102, 104, 105, 55 S. Ct. 55, 79 L. Ed. 22	5

Ruhlin et al. v. New York Life Insurance Company, 304 U. S. 202, 205, 206, 58 S. Ct. 860, 82 L. Ed. 1290	7, 8
Ryerson v. Peden, 303 Ill. 171, 135 N. E. 423	4
So. Ry. Co. v. Watts, 260 U. S. 519, 43 S. Ct. 192, 67 L. Ed. 375	7
State v. Aime, 62 Utah 476, 220 P. 704	4
State ex rel. v. Meek, 127 Ark. 349, 192 S. W. 202	4
State of Minnesota ex rel. v. Probate Court, 309 U. S. 270, 60 S. Ct. 523, 84 L. Ed. 744	4
Sterling v. Constantin, 287 U. S. 378, 53 S. Ct. 190, 77 L. Ed. 375	4
Utah Power and Light Company v. Pfof, 286 U. S. 165, 186, 52 S. Ct. 548, 76 L. Ed. 1038	7
W. Pa. Hospital et al. v. Liehliter et al., 340 Pa. 382, 391, 17 Atl. (2d) 206	4
Wood & Sons v. Southern Trust Company and Wood & Sons v. Robinson Roders Company, 13 F. (2d) 367	9
Wrightsville Hardware Company v. McElroy, 254 Pa. 422, 98 A. 1052	13
STATUTES:	
Act of April 29, 1874, P. L. 73, sec. 12; 15 PS 1	15
Act of May 16, 1901, P. L. 194, sec. 25; 56 PS 62	15
Act of February 13, 1925, c. 229, 43 Stat. 938	2
TEXTBOOKS:	
14 American Jurisprudence 313, Sec. 99	4
Robertson and Kirkham, "Jurisdiction of the Su- preme Court of the United States"	10



IN THE SUPREME COURT OF THE UNITED STATES

No. 1261 October Term, 1941

MIFFLINBURG BODY COMPANY, DEBTOR,
Petitioner

v.

MIFFLINBURG BANK AND TRUST COMPANY,
Respondent

BRIEF FOR RESPONDENT IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

I.

OPINIONS OF THE COURTS BELOW

A. The opinion of the District Court (R. 4 et seq.) is reported in 41 F. Supp. 9.

B. The opinion of the United States Circuit Court of Appeals for the Third Circuit (R. 19 et seq.) is reported in 127 F. (2d) 59.